

**PHARMACY EXAMINING BOARD  
FEBRUARY 8, 2006  
MEETING MINUTES**

- PRESENT:** Michael Bettiga, R.Ph.; Fred Moskol, R.Ph.; Charlotte Rasmussen; Suzette Renwick; Jeanne M. Severson R. Ph.; Rich Verschay, R.Ph.; Gregory C. Weber, R. Ph.
- STAFF:** Tom Ryan, Bureau Director; William Black, Legal Counsel; PJ Monson, Bureau Assistant, and other DRL Staff
- GUESTS:** Cindy Benning; Paul Baum and Laurie Flager, Group Health Cooperative (GHC) – Madison; Katie Laufenberg and Joseph Kizito, Walgreens; Darrin Wirkes and Lance Both, Target, Inc.; Travis Miller, University of Wisconsin (UW) School of Pharmacy; Jeff Marshall, St. Mary's Hospital Medical Center; Gina Bestemar, Woman's International Pharmacy; Jamie Statz Paynter, Dean Pharmacy; Tom Engels, Pharmacy Society of Wisconsin (PSW); Eric Hewitt, PSW and UW School of Pharmacy; Joyce Hart, Wisconsin Medical Society; Mike Bohrnstedt and John Gates, Aurora Pharmacy, Inc.; John Edlund and Leslye Herrmann, The Medicine Shoppe; Jane Banning and Beth Martin, UW School of Pharmacy

**CALL TO ORDER**

Chair Michael Bettiga called the meeting to order at 9:00 a.m. A quorum of 7 was confirmed.

The Board welcomed Suzette Renwick, public member.

**APPROVAL OF AGENDA**

**Additions:**

- Item "C" – DRL Board Member Orientation
- Item "D" – Pharmacy Examining Board Pharmacist Consultation Examination Proposal to the Health Sciences Learning Center
- Item "F" – Illinois Theft-Loss, Section 1330.76 Reporting Theft or Loss of Controlled Substances.
- Item "F" – LRB-3021/1 relating to the wholesale distribution of prescription drugs, granting rule-making authority, and providing a penalty.
- Between Item "F & G" - LRB 1965/P5 – relating to confidentiality of health care review records and immunity
- Between Item "F&G" – LRB 3021/3 – relating to the Anti-Drug Counterfeiting Act
- Between Item "F&G" – LRB 4274/2 – relating to expanding types of volunteer health care providers to include pharmacists and pharmacy technicians
- Between Item "F&G" – Pseudoephedrine law (no hand-out)
- Item "H" – Letter from Leslye A. Herrmann, von Briesen & Roper, S.C., with comments in Opposition to Request for Variance by Aurora Pharmacy, Inc.
- Item "I" – DEA Drug Theft and Loss Reports – January, 2006
- Between Item "R&S" – Administrative Warning – Case #04 PHM 060

- Item “AA” – Cornerstone Counseling Services letter
- Item “BB” – Patient Information from First Lab
- After Item “BB” – Requesting three month stay and modifications – Luigi Miceli, R.Ph.
- Between Item “BB & CC” – DOE case status reports
- After Item “CC” – Circuit Court decision in the matter of disciplinary proceedings against Neil Noesen

**MOTION:** Fred Moskol moved, seconded by Rich Verschay, to approve the agenda with additions. Motion carried unanimously.

(Suzette Renwick left the meeting for her confirmation hearing at the state capitol.)

### **APPROVAL OF MINUTES**

#### **Amendments to the Minutes:**

Page 10 of 11 – Darwin Tichenor reported that six examinations were given on December 7<sup>th</sup> (not December 6th).

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to approve the December 7, 2005 minutes with amendment. Motion carried unanimously.

The Deputy Secretary, Sandy Rowe, presented Cindy Benning with a plaque of appreciation for her contributions to the Pharmacy Examining Board and the Controlled Substances Board. Mike Bettiga personally thanked Cindy Benning for her commitment to the Pharmacy Board and the State of Wisconsin.

### **ELECTION OF 2006 BOARD OFFICERS AND BOARD APPOINTMENTS**

**MOTION:** Charlotte Rasmussen moved, seconded by Jeanne Severson, to nominate Mike Bettiga as Chair of the Board. After no other nominations were offered, the motion carried unanimously.

**MOTION:** Greg Weber moved, seconded by Charlotte Rasmussen, to nominate Jeanne Severson as Vice Chair. After no other nominations were offered, the motion carried unanimously.

**MOTION:** Jeanne Severson moved, seconded by Rich Verschay, to nominate Charlotte Rasmussen as Secretary. After no other nominations were offered, the motion carried unanimously.

- Screening Panel – Mike Bettiga, Jeanne Severson and Charlotte Rasmussen
- Credentialing Liaison – Rich Verschay
- Division of Enforcement Monitoring Liaison – Jeanne Severson
- Consultation examination subcommittee appointments - Fred Moskol will chair, Rich Verschay and Charlotte Rasmussen
- Controlled Substances Board Representative Member – Greg Weber

- Quality Review Council – Fred Moskol
- Digest Advisor – Jeanne Severson
- State Council on Alcohol and Other Drug Abuse Representative Member – Charlotte Rasmussen
- Examinations Committee – Mike Bettiga, Fred Moskol, Jeanne Severson, Rich Verschay and Greg Weber
- NABP examination question writing workshop volunteer – Jeanne Severson
- NABP examination question review volunteer – Jeanne Severson
- Pharmacy Advisory Council – Rich Verschay
- Legislative Liaison – Greg Weber and Fred Moskol
- Impaired Provider Program Liaison – Fred Moskol

**MOTION:** Charlotte Rasmussen moved, seconded by Rich Verschay, to nominate the aforementioned to the liaison positions. Should there be a resignation of a member, the chair will step in. Motion carried unanimously.

## **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

### **IMRAN NIZAMUDDIN, R. PH.**

Attorney Jeanette Lytle, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Imran Nizamuddin, R.Ph.

### **CAROL HOTZE, R. PH.**

Attorney Jeanette Lytle, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Carol Hotze, R. Ph.

### **JAMES JERNEGAN, R. PH.**

Attorney Jeanette Lytle, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against James Jernegan, R. Ph.

### **JEFFREY A. SWANSON, R. PH.**

Attorney Michael J. Berndt, Division of Enforcement, appeared before the Board to present the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jeffrey A. Swanson, R. Ph.

## **ADMINISTRATIVE REPORT**

### **Department/Board policies and procedures**

Tom Ryan addressed the Board regarding the 2006 policies and recommended Board members read and keep the information for future reference.

### **Board Motions - reminder**

Tom Ryan reminded the members of the importance of clarity in making motions. He also advised the Board of the upcoming New Member Orientation.

### **PATIENT CONSULTATION EXAMINATION SCHEDULING OPTIONS**

Darwin Tichenor and Dr. Barbara Showers, Office of Education and Examinations, spoke with the Board regarding flexibility of the examination scheduling. The Board discussed the number of candidates as well as local examiners. The Board expressed a preference for afternoon examinations.

### **Travel Report – Marshfield Clinic Presentation**

Cindy Benning summarized her visit to Marshfield Clinic where she gave a talk in January.

### **2006 NABP Regional Meeting**

Tom Ryan reported the Pharmacy Board will not be the host of the meeting and that it will take place in Detroit, Michigan in November.

### **NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ANNUAL MEETING – DESIGNATION OF BOARD REPRESENTATIVE AS DELEGATE AND CONSIDERATION OF APPLICATION FOR NABP TRAVEL GRANT.**

**MOTION:** Fred Moskol moved, seconded by Rich Verschay, to allow Jeanne Severson to attend the NABP annual meeting with Greg Weber as the alternate. Motion carried unanimously.

### **Travel requests received in the Bureau after mailing of agenda**

None.

### **Report on MPJE new and operational questions review at DRL**

Darwin Tichenor addressed the Board with information regarding the questions added to the examination bank and supplied a hand out. Mike Bettiga stated the question review worked well and was very helpful for the members.

### **Speaker request from UW School of Pharmacy – Jurisprudence Class – consideration of Board appointment**

**MOTION:** Jeanne Severson moved, seconded by Greg Weber, to allow Mike Bettiga to speak before the UW School of Pharmacy Law and Ethics class. Motion carried unanimously.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION**

### **Controlled Substances theft and loss reporting rule**

William Black explained the theft and loss scope statement and the copy of the Illinois report handed out this morning. The Board discussed the definition of 'significant' loss and what it entails. The Board requested that the rule be revised.

### **Foreign pharmacy graduates internship rule**

William Black briefed the Board on the history of the internship rule and the rule revisions.

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to accept the internship rule and send it to the clearinghouse with Mike Bettiga as the reviewer. Motion carried unanimously.

### **Prescription records and transfers rule**

Tom Ryan stated this rule is effective 2/1/06.

### **Temporary location change**

Tom Ryan stated that the Temporary Location Change rule is now a proposed statute change.

### **Legislative Liaison Report – Charlotte Rasmussen**

#### **2005 Assembly Bill (AB) 258**

Charlotte Rasmussen reported this bill is in the Senate Committee at this time.

#### **2005 Assembly Bill 722**

This Bill has passed the Assembly and moved on to the Senate.

#### **2005 Assembly Bill 683**

Charlotte Rasmussen will testify on this bill at the Senate hearing today.

### **LRB-3021/P1**

This bill draft, relating to the wholesale delivery of prescription drugs, is scheduled for hearing on February 14 in the Assembly. William Black explained aspects of this proposed legislation to the Board.

**MOTION:** Rich Verschay moved, seconded by Fred Moskol, to allow William Black to respond to the legislature with the concerns of the PEB as per the memo

and to allow Greg Weber to appear at the hearing. Motion carried unanimously.

**2005 Assembly Bill 405**

Tom Ryan stated this bill has passed the Senate.

**Remote dispensing bill language**

No action was taken on this agenda item.

**LRB 1965**

Charlotte Rasmussen informed the Board the bill number is AB 993. William Black explained the aspects of the bill.

**LRB 4149-1**

Noted.

**Pseudoephedrine Law Review**

William Black addressed the Board regarding future legislation that may be introduced on the use of the term “product” in the legislation. Greg Weber will ask the Controlled Substance Board to review this.

**VARIANCE REQUEST**

**MALLATT PHARMACY, INC  
MALLATT PHARMACY 2  
JOHN M. FLINT, JR. - MADISON**

**MOTION:** Rich Verschay moved, seconded by Greg Weber, to grant the variance to Mallatt Pharmacy 2, John M. Flint Jr., Madison, Wisconsin. Motion carried unanimously.

**AURORA PHARMACY  
MICHAEL J. BOHRNSTEDT – TWO RIVERS  
AND OBJECTION TO VARIANCE  
BRIAN JENSEN, TWO RIVERS CLINIC, TWO RIVERS**

Michael J. Bohrnstedt and John Gates, Aurora Pharmacy, Inc., appeared before the Board to submit a variance request and answer questions. This is a similar variance request as the Aurora – Marinette/Peshigo variance request submitted last fall to the Board.

John Edlund and Leslye Herrmann appeared before the Board representing Brian Jensen and the Medicine Shoppe Pharmacy at the Two Rivers Clinic, in opposition to the variance request.

**MOTION:** Fred Moskol moved, seconded by Charlotte Rasmussen, to grant the request for variance for Aurora Pharmacy. Motion carried unanimously. Greg Weber abstained from discussion and vote.

### **LICENSING LIAISON REPORT**

Noted.

### **DEA DRUG THEFT AND LOSS REPORTS**

Noted.

#### **Consultation work group**

Jane Banning, University of Wisconsin (UW) and Beth Martin, (UW) School of Pharmacy, appeared before the Board to discuss their draft of a grant proposal for the Board's consideration. The Consultation Workgroup will meet before the April meeting to continue with this project. Ms. Showers will review this proposal with the department.

(Suzette Renwick re-joined the meeting at 12:00)

### **GENERAL POLICY FOR CE EXTENSION/WAIVER REQUESTS AT RENEWAL**

Barb Showers appeared before the Board to discuss the renewal process with regard to requests for extensions of time to complete CE at the time of license renewal.

**MOTION:** Fred Moskol moved, seconded by Charlotte Rasmussen, to adopt the timely and sufficient option (#2). Motion carried unanimously.

#### **Wisconsin Pharmacy Forum Meeting**

The Wisconsin Pharmacy Forum Meetings have been scheduled for March 13, May 31, and November 29, 2006.

### **INFORMATIONAL ITEMS**

Noted.

(Charlotte Rasmussen left the meeting)

### **CLOSED SESSION**

**MOTION:** Jeanne Severson moved, seconded by Fred Moskol, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data ( Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Michael

Bettiga-yes; Fred Moskol-yes; Suzette Renwick-yes; Jeanne M. Severson-yes; Rich Verschay-yes; Gregory C. Weber-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:30 p.m.

**RECONVENE TO OPEN SESSION TO VOTE ON ITEMS  
DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:33 p.m.

**REQUEST FOR WAIVER OF REINSTATEMENT PROCESS  
ROBERT MARTIN**

**MOTION:** Rich Verschay moved, seconded by Greg Weber, to require Dr. Robert Martin meet all examination requirements for licensure. Motion carried unanimously.

**APPLICATION REVIEW  
DOUG AOS**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to allow Doug Aos to retake the consultation examination for a third time. Motion carried unanimously.

**DELIBERATION OF STIPULATIONS, FINAL  
DECISIONS AND ORDERS**

**IMRAN NIZAMUDDIN, R.PH.**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against Imran Nizamuddin, R.Ph. Motion carried unanimously.

**CAROL HOTZE, R. Ph**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against Carol Hotze, R. Ph. Motion carried unanimously.



**JAMES JERNEGAN, R.PH.**

**MOTION:** Rich Verschay moved, seconded by Jeanne Severson, to approve the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against James Jernegan, R.Ph. Motion carried unanimously.

**JEFFREY A. SWANSON, R. Ph.**

**MOTION:** Jeanne Severson moved, seconded by Greg Weber, to reject the proposed stipulation, findings of fact, conclusions of law and order in the matter of the disciplinary proceedings against Jeffrey A. Swanson, R. Ph. Motion carried unanimously.

**ADMINISTRATIVE WARNINGS**

**04 PHM 077**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to withdraw the administrative warning in the matter of 04 PHM 077 for further review. Motion carried unanimously. Greg Weber abstained.

**ADMINISTRATIVE WARNINGS**

**04 PHM 060**

**MOTION:** Jeanne Severson moved, seconded by Greg Weber, to issue the administrative warning in the matter of 04 PHM 060. Motion carried unanimously. Suzette Renwick abstained.

**CASE CLOSINGS**

**03 PHM 069**

**MOTION:** Jeanne Severson moved, seconded by Fred Moskol, to close case 03 PHM 069 for insufficient evidence. Motion carried unanimously.

**05 PHM 035**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to close case 05 PHM 035 for lack of jurisdiction (L1). Motion carried unanimously.

**03 PHM 029**

**MOTION:** Fred Moskol moved, seconded by Greg Weber, to close case 03 PHM 029 for no violation. Motion carried unanimously.

**05 PHM 050**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to close case 05 PHM 050 for insufficient evidence. Motion carried unanimously.

**04 PHM 060**

**MOTION:** Greg Weber moved, seconded by Jeanne Severson to close case 04 PHM 060 against Gunderson Lutheran and the managing Pharmacist for prosecutorial discretion (P2). Motion carried unanimously. Suzette Renwick abstained.

**DOE MONITORING**

**LANCE LUNDSTAD, R.PH.**

Mr. Lundstad appeared before the Board to answer questions.

**MOTION:** Fred Moskol moved, seconded by Rich Verschay, to grant a three month stay of suspension for Lance Lundstad, R.Ph. Motion carried unanimously.

**ROBERT GUZZETTA, R.PH.**

**MOTION:** Jeanne Severson moved, seconded by Rich Verschay, to grant full reinstatement for Robert Guzzetta, R.Ph., effective March 14, 2006. Motion carried unanimously.

**MICHAEL O'KRAY, R.PH.**

**MOTION:** Jeanne Severson moved, seconded by Fred Moskol, to grant three month stay and allow 32 Pharmacist In Charge (PIC) hours for Michael O'Kray, R.Ph. Motion carried unanimously.

**THOMAS PIRE, R.PH.**

**MOTION:** Fred Moskol moved, seconded by Rich Verschay, to grant a three month stay and 16 PIC hours with no open and close consecutively for Thomas Pire, R.Ph. Motion carried unanimously. Greg Weber abstained.

**JOHN SCHMITT, R.PH.**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to grant a three month stay and deny modifications for John Schmitt, R.Ph. Motion carried unanimously. Mike Bettiga abstained.

**DONALD LEETZ, R.PH.**

**MOTION:** Jeanne Severson moved, seconded by Rich Verschay, to grant a two month stay for Donald Leetz, R.Ph. and request therapist and employer submit additional reports for the April meeting. Motion carried unanimously.

**DUANE OESTREICH, R.PH.**

**MOTION:** Fred Moskol moved, seconded by Rich Verschay, to terminate the stay for Duane Oestreich, R.Ph. Motion carried unanimously. Mike Bettiga abstained.

**LUIGI MICILI, R.PH.**

**MOTION:** Rich Verschay moved, seconded by Fred Moskol, to grant a three month stay and allow 24 PIC hours for Luigi Micili, R.Ph. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL, INCLUDING:**

**Review of document entitled “Petitioner’s Final Brief” in the matter of Neil Noesen v. State of Wisconsin Department of Regulation and Licensing and Pharmacy Examining Board**

Mr. Black reviewed the materials and the current status of the case.

**VALIDATION OF EXAM SCORES**

Darwin Tichenor reported that nine examinations were given on February 7, 2006. Eight passed, and one failed.

**MOTION:** Suzette Renwick moved, seconded by Fred Moskol, to validate the exam scores of February 7, 2006. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Fred Moskol moved, seconded by Jeanne Severson, to adjourn the meeting. Motion carried unanimously.

(Rich Verschay left the meeting at 3:10)

The meeting adjourned at 3:39 p.m.

**Next Meeting: April 12, 2006**